IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2539 OF 2005

Mr. Nanak Pereira ... Petitioner

Vs.

The Municipal Corporation for
Gr. Mumbai ... Respondents

Ms. N.V. Sanglikar for Petitioner.

Ms. Trupti Puranik for Respondents.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: OCTOBER 12, 2006

P.C.:

. Rule. Heard forthwith.

. The case of the Petitioner is that the structure was permanent and as such the notice under Section 55 which is meant for temporary structure under the M.R.T.P. Act could not have been issued. The structure have been partly demolished. Considering that the petitioner has no other remedy, in our opinion, the ends of justice will be met if the Petitioner is allowed to make representation to the respondents and the respondents after hearing the petitioner to pass appropriate orders according to law.

. In the light of that, the Petitioners to make representation within four weeks from today. The

respondents after hearing the Petitioner to dispose of the same at any rate not latter than eight weeks from the receipt of the representation. In the meantime, not to demolish the structure which is existing. It is made clear that the Petitioners can not reconstruct demolished portion without following due procedure of law. Petition disposed of accordingly.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**